

A bill for an act
relating to housing; requiring heating facilities in rental property; providing
penalties; proposing coding for new law in Minnesota Statutes, chapter 504B.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[504B.276] DEFINITIONS.**

Subdivision 1. **Application.** The definitions in this section apply to sections
504B.276 to 504B.280.

Subd. 2. **Landlord.** "Landlord" has the meaning defined in section 504B.211,
subdivision 1.

Subd. 3. **Violation.** "Violation" has the meaning defined in section 504B.001,
subdivision 14, and also includes a violation of any of the covenants set forth in section
504B.277 or 504B.278.

Subd. 4. **Habitable space; habitable room.** "Habitable space" or "habitable room"
means space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet
rooms, closets, halls, storage rooms, laundry or utility space, and similar areas, are not
considered habitable space.

Subd. 5. **Utility heating service.** "Utility heating service" has the meaning defined
in section 216B.096, subdivision 2, paragraph (k).

Sec. 2. **[504B.277] HEATING FACILITIES IN RENTAL PROPERTY.**

The owner of every residential building shall provide heating facilities and shall be
required to see that the heating facilities are properly installed, safely maintained, and in
good working condition, and that the facilities are capable of safely and adequately heating
all habitable rooms, bathrooms, and toilet rooms located in the building to a temperature

of at least 68 degrees Fahrenheit, measured at a distance of 36 inches above floor level,
and not closer than 36 inches from any wall at all times when the outside temperature is at
or below 68 degrees Fahrenheit.

Sec. 3. **[504B.278] TEMPERATURE MAINTENANCE IN RENTAL PROPERTY.**

A landlord of a residential building must ensure that the temperature in all habitable
rooms, bathrooms, and toilet rooms located in the building is maintained at a temperature
of at least 65 degrees Fahrenheit, measured at a distance of 36 inches above floor level,
and not closer than 36 inches from any wall at all times when the outside temperature is at
or below 65 degrees Fahrenheit.

Sec. 4. **[504B.279] EXCEPTIONS TO TEMPERATURE MAINTENANCE REQUIREMENT.**

Subdivision 1. **Waiver.** Landlords and residential tenants may contract through
express written agreement, which must be physically separate from any lease, to waive the
temperature maintenance requirement found in section 504B.278.

Subd. 2. **Tenant's failure to pay bill.** Landlords shall not be responsible for the
obligations set forth in section 504B.278 during any period of utility heating service
disconnection caused by the tenant's failure to pay utility bills for which they are expressly
responsible.

Subd. 3. **Local ordinances.** This section does not preclude any local ordinance
prohibiting such an agreement.

Sec. 5. **[504B.280] PENALTIES.**

(a) An owner or landlord who violates section 504B.277 or 504B.278 shall be
considered to have violated section 504B.221, and applicable penalties and remedies are
governed by section 504B.221.

(b) Where a waiver complying with the requirements of section 504B.279 exists, the
voiding clause found in section 504B.221, paragraph (b), shall not apply.

Sec. 6. **EFFECTIVE DATE.**

Sections 1 to 5 are effective for leases entered into on or after July 1, 2008.